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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,029

01/09/2006

P. Jeffrey Conn

13192-0002

3750

80687

7590

09/24/2008

Bressler, Amery & Ross, P.C.

17 State Street

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EXAMINER

ROYDS, LESLIE A

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

09/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/564,029	1/9/2006	CONN ET AL.	13192-0002

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EXAMINER

Leslie A. Royds

ART UNIT	PAPER
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1614	20080916
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

NOTICE OF NON-RESPONSIVE AMENDMENT

Applicant's response filed May 13, 2008 to the requirement for restriction/election dated April 22, 2008 has been received and entered into the present application. Applicant's election of the Invention of Group III (claims 1, 3, 6-7, 10 and 14-18), directed to a method for treating, preventing the progression, ameliorating, controlling or reducing the risk of a movement disorder in a patient in need thereof comprising administering to the patient a therapeutically effective amount of an mGluR4 receptor positive allosteric modulator or a pharmaceutically acceptable salt thereof, and the election of species of (i) "the movement disorder that comprises Parkinson's disease" as the disorder to be treated and (ii) the compound N-phenyl-7-hydroxyimino-cyclo-propa[b]chromen-1a-carboxamide as the mGluR4 receptor positive allosteric modulator is acknowledged by the Examiner.

However, Applicant's election of the "movement disorder that comprises Parkinson's disease" is non-compliant because it is unclear whether Applicant intends to elect the specific disorder of "Parkinson's disease" per se or whether Applicant intends to elect the multitude of movement symptoms/disorders claimed that occur and, thus, "comprise" Parkinson's disease (i.e., dyskinesia, akinesia, bradykinesia, etc.). In view of the fact that Applicant has identified claims 1, 3, 6-7, 10 and 14-18 as reading upon this elected disorder, and further in view of the fact that such claims provide for the treatment of Parkinson's disease, an akinetic-rigid disorder and dyskinesia, it is understood that Applicant has elected more than one movement symptom/disorder that "comprises" Parkinson's disease. Such an election is, accordingly, non-compliant because Applicant was required to elect a SINGLE DISCLOSED SPECIE of movement disorder to which examination on the merits will be restricted.

Accordingly, by issuance of the instant notice, Applicant is afforded the opportunity to elect a SINGLE DISCLOSED SPECIE of movement disorder for examination on the merits. Applicant is advised that a proper reply to this notice will: (1) clearly set forth the group of the invention to be examined (either (I) or (II) or (III)), (2) clearly set forth the species of movement disorder to be examined and (3) clearly set forth the species of compound to which examination on the merits will be restricted. A reply that fails to fulfill each and every one of these requirements will again be held NON-COMPLIANT.

Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614

/Leslie A. Royds/
Patent Examiner, Art Unit 1614